

### **REMARKS**

Claims 1-26 are currently pending in the application. Claims 1, 11 and 14 are currently amended to more clearly indicate that the pattern on an outer surface of the sidewall is "substantially comparable to a quilted surface of the companion mattress." No new matter is added.

Claims 1-3 and 7-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles (U.S. Patent No. 3,049,729) in view of Gelbart (U.S. Patent No. 4,128,907). Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles in view of Gelbart and further in view of Saputo (U.S. Patent No. 4,734,946). Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles (U.S. Patent No. 3,049,729) in view of Gelbart in view of Saputo et al. and further in view of Bellows et al. (U.S. Patent No. 6,557,191). Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles (U.S. Patent No. 3,049,729) in view of Gelbart in view of Saputo in view of Bellows et al. and further in view of Wallace et al. (U.S. Patent No. 2,687,537).

### **Gelbart Discloses a Mattress Foundation Having a Surface that Simulates Natural Wood to Blend With Other Bedroom Furniture, Not a Mattress Foundation Having a Pattern Comparable to the Quilted Surface of a Companion Mattress**

The Examiner asserts that base claims 1, 11 and 14 are unpatentable under 35 U.S.C. §103(a) based on Broyles in view of Gelbart. Applicant respectfully disagrees.

Gelbart only teaches or suggests that the foundation structure can be "provided with a surface which simulates natural wood to blend in with other bedroom furniture" (See Gelbart, col. 3, lines 53-55). Gelbart does not teach or suggest any surface other than natural wood. Broyles does not teach or suggest a mattress foundation having a pattern "wherein the pattern is substantially comparable to a quilted surface of the companion mattress" as recited in now amended base claims 1, 11, and 14. Accordingly, the combination of Broyles and Gelbart fail to teach or suggest all of the elements of amended base claims 1, 11, and 14. Therefore, there is no prima facie case of obviousness for now amended base claims 1, 11, and 14, and the §103 Rejection of these claims should be withdrawn.

Because claims 2-10, 12-13 and 15-26 depend from, and are limited by, base claims 1, 11 and 14, the §103 Rejection of these claims should be withdrawn.

Applicants also note that, as discussed in the most recent Office Action Response in related U.S. Patent Application No. 10/829,669, Autrey et al. (U.S. Patent No. 4,145,781) only disclose a "covering 117" and not a unitarily formed "pattern" on the "outer surface of the sidewall" itself. Thus, Autrey et al. in combination with Broyles and/or Gelbart cannot not teach or suggest all of the elements of amended base claims 1, 11, and 14.

### **Other Rejections**

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles in view of Gelbart and further in view of Saputo et al. At least for the reasons discussed above, there is no prima facie case of obviousness for claim 4. Accordingly, the §103 Rejection of claim 4 should be withdrawn.

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles in view of Gelbart and further in view of Saputo et al. and further in view of Bellows et al. At least for the reasons discussed above, there is no prima facie case of obviousness for claim 5. Accordingly, the §103 Rejection of claim 5 should be withdrawn.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Broyles in view of Gelbart and further in view of Saputo et al. and further in view of Bellows et al. and further in view of Wallace et al. At least for the reasons discussed above, there is no prima facie case of obviousness for claim 5. Accordingly, the §103 Rejection of claim 6 should be withdrawn.

**CONCLUSION**

In view of the above amendment, remarks and discussion, applicant believes the pending application is in condition for allowance.

We believe that we have appropriately provided for fees due in connection with this submission. However, if there are any other fees due in connection with the filing of this Response, please charge our Deposit Account No. 18-1945, under Order No. SMCY-P02-085 from which the undersigned is authorized to draw.

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Respectfully submitted,

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